

## SUBCOMMITTEE: ELECTIONS

## HOUSE BILL NO. 1678

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on \_\_\_\_\_)

(Patrons Prior to Substitute--Delegates Lindsey and Ayala [HB 1643])

A BILL to amend and reenact §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, as it is currently effective and as it shall become effective, and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to extending polling place hours and other related deadlines.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 24.2-503, 24.2-507, 24.2-510, 24.2-603, 24.2-700, as it is currently effective and as it shall become effective, and 24.2-701, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

**§ 24.2-503. Deadlines for filing required statements; extensions.**

The written statements of qualification and economic interests shall be filed by (i) primary candidates not later than the filing deadline for the primary, (ii) all other candidates for city and town offices to be filled at a May general election by ~~7:00~~ 8:00 p.m. on the first Tuesday in March, (iii) candidates in special elections by the time of qualifying as a candidate, and (iv) all other candidates by ~~7:00~~ 8:00 p.m. on the second Tuesday in June.

A statement shall be deemed to be timely filed if it is mailed postage prepaid to the appropriate office by registered or certified mail and if the official receipt therefor, which shall be exhibited on demand, shows mailing within the prescribed time limits.

The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.

**§ 24.2-507. Deadlines for filing declarations and petitions of candidacy.**

For any office, declarations of candidacy and the petitions therefor shall be filed according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is being held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

**§ 24.2-510. Deadlines for parties to nominate by methods other than primary.**

For any office, nominations by political parties by methods other than a primary shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June;
2. For a general election in May, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March;
3. For a special election held at the same time as a November general election, either (i) at least 81 days before the election or (ii) if the special election is held at the second November election after the vacancy occurred, by ~~7:00~~ 8:00 p.m. on the second Tuesday in June before that November election;
4. For a special election held at the same time as a May general election, by ~~7:00~~ 8:00 p.m. on the first Tuesday in March; or
5. For a special election held at a time other than a general election, (i) at least 60 days before the election or (ii) within five days of any writ of election or order calling a special election to be held less than 60 days after the issuance of the writ or order.

In the case of all general elections a party shall nominate its candidate for any office by a nonprimary method only within the 47 days immediately preceding the primary date established for

nominating candidates for the office in question. This limitation shall have no effect, however, on nominations for special elections or pursuant to § 24.2-539.

**§ 24.2-603. Hours polls to be open; closing the polls.**

At all elections, the polls shall be open at each polling place at 6:00 a.m. on the day of the election and closed at ~~7:00~~ 8:00 p.m. on the same day except as provided for central absentee voter precincts pursuant to subsection F of § 24.2-712.

At ~~6:45~~ 7:45 p.m., an officer of election shall announce that the polls will close in ~~fifteen~~ 15 minutes. The officers of election shall list the names of all qualified voters in line before the polling place at ~~7:00~~ 8:00 p.m. and permit those voters and no others to vote after ~~7:00~~ 8:00 p.m.

**§ 24.2-700. (Effective for elections prior to the general election on November 3, 2020) Persons entitled to vote by absentee ballot.**

The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his

request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

**§ 24.2-700. (Effective for elections beginning with the general election on November 3, 2020)**

**Persons entitled to vote by absentee ballot.**

A. The following registered voters may vote by absentee ballot in accordance with the provisions of this chapter in any election in which they are qualified to vote:

1. Any person who, in the regular and orderly course of his business, profession, or occupation or while on personal business or vacation, will be absent from the county or city in which he is entitled to vote;

2. Any person who is (i) a member of a uniformed service, as defined in § 24.2-452, on active duty, (ii) temporarily residing outside of the United States, or (iii) the spouse or dependent residing with any person listed in clause (i) or (ii), and who will be absent on the day of the election from the county or city in which he is entitled to vote;

3. Any student attending a school or institution of higher education, or his spouse, who will be absent on the day of election from the county or city in which he is entitled to vote;

4. Any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of election because of his disability, illness, or pregnancy;

5. Any person who is confined while awaiting trial or for having been convicted of a misdemeanor, provided that the trial or release date is scheduled on or after the third day preceding the election. Any person who is awaiting trial and is a resident of the county or city where he is confined shall, on his request, be taken to the polls to vote on election day if his trial date is postponed and he did not have an opportunity to vote absentee;

6. Any person who is a member of an electoral board, registrar, officer of election, or custodian of voting equipment;

7. Any duly registered person who is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled family member who is confined at home;

8. Any duly registered person who is unable to go in person to the polls on the day of the election because of an obligation occasioned by his religion;

9. Any person who, in the regular and orderly course of his business, profession, or occupation, will be at his place of work and commuting to and from his home to his place of work for 11 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603;

10. Any person who is a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in § 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-51.1; or emergency medical services personnel, as defined in § 32.1-111.1;

11. Any person who has been designated by a political party, independent candidate, or candidate in a primary election to be a representative of the party or candidate inside a polling place on the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639; or

12. Any person granted a protective order issued by or under the authority of any court of competent jurisdiction.

B. Any registered voter may vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote.

**§ 24.2-701. (Effective for elections prior to the general election on November 3, 2020)**  
**Application for absentee ballot.**

A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any person who is qualified to vote absentee under subdivision 2 of § 24.2-700.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately

preceding all general elections, except May general elections, and on the Saturday immediately preceding any primary election, May general election, or special election.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be made not less than three days prior to the election in which the applicant offers to vote and completed only in the office of the general registrar. The applicant shall sign the application in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse belongs; or

5. In the case of a student, or the spouse of a student, who is attending a school or institution of higher education, the name of the school or institution of higher education; or

6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy, that he is a person with a disability, illness, or pregnancy; or

7. In the case of a person who is confined awaiting trial or for having been convicted of a misdemeanor, the name of the institution of confinement; or

8. In the case of a person who will be absent on election day for business reasons, the name of his employer or business; or



213 9. In the case of a person who will be absent on election day for personal business or vacation  
214 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or

215 10. In the case of a person who is unable to go to the polls on the day of election because he is  
216 primarily and personally responsible for the care of an ill or disabled family member who is confined at  
217 home, his relationship to the family member; or

218 11. In the case of a person who is unable to go to the polls on the day of election because of an  
219 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or

220 12. In the case of a person who, in the regular and orderly course of his business, profession, or  
221 occupation, will be at his place of work and commuting to and from his home to his place of work for 11  
222 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603, the name of his business  
223 or employer and hours he will be at the workplace and commuting on election day; or

224 13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in §  
225 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-  
226 51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

227 14. In the case of a person who has been designated by a political party, independent candidate, or  
228 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
229 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
230 designated; or

231 15. In the case of a person who has been granted a protective order issued by or under the authority  
232 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing  
233 court.

234 **§ 24.2-701. (Effective for elections beginning with the general election on November 3, 2020)**  
235 **Application for absentee ballot.**

236 A. The State Board shall furnish each general registrar with a sufficient number of applications for  
237 official absentee ballots. The registrars shall furnish applications to persons requesting them.

238           The State Board shall implement a system that enables eligible persons to request and receive an  
239 absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall  
240 be in a form approved by the State Board.

241           Except as provided in § 24.2-703, a separate application shall be completed for each election in  
242 which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i)  
243 12 months before an election or (ii) the day following any election held in the twelfth month prior to the  
244 election in which the applicant is applying to vote.

245           An application that is completed in person at the same time that the applicant registers to vote shall  
246 be held and processed no sooner than the fifth day after the date that the applicant registered to vote;  
247 however, this requirement shall not be applicable to any person who is qualified to vote absentee under  
248 subdivision A 2 of § 24.2-700.

249           Any application received before the ballots are printed shall be held and processed as soon as the  
250 printed ballots for the election are available.

251           For the purposes of this chapter, the general registrar's office shall be open a minimum of eight  
252 hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately  
253 preceding all elections.

254           Unless the applicant is disabled, all applications for absentee ballots shall be signed by the  
255 applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016,  
256 that to the best of his knowledge and belief the facts contained in the application are true and correct and  
257 that he has not and will not vote in the election at any other place in Virginia or in any other state. If the  
258 applicant is unable to sign the application, a person assisting the applicant will note this fact on the  
259 applicant signature line and provide his signature, name, and address.

260           B. Applications for absentee ballots shall be completed in the following manner:

261           1. An application completed in person shall be completed only in the office of the general registrar  
262 and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of  
263 identification specified in subsection B of § 24.2-643. Any applicant who does not show one of the forms  
264 of identification specified in subsection B of § 24.2-643 shall be offered a provisional ballot under the

provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

2. Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means. The application shall be on a form furnished by the registrar or, if made under subdivision A 2 of § 24.2-700, may be on a federal postcard application prescribed pursuant to 52 U.S.C. § 20301(b)(2). The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name, the last four digits of the applicant's social security number, and the reason the applicant will be absent or cannot vote at his polling place on the day of the election. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any person who makes application under subdivision A 2 of § 24.2-700 who is not a registered voter may file the applications to register and for a ballot simultaneously;

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined due to a disability or illness. No ballot shall be sent to, or in care of, any other person; and

- 292           4. In the case of a person, or the spouse or dependent of a person, who is on active duty as a  
293 member of the uniformed services as defined in § 24.2-452, the branch of service to which he or the spouse  
294 belongs; or
- 295           5. In the case of a student, or the spouse of a student, who is attending a school or institution of  
296 higher education, the name of the school or institution of higher education; or
- 297           6. In the case of any duly registered person with a disability, as defined in § 24.2-101, who is  
298 unable to go in person to the polls on the day of the election because of his disability, illness, or pregnancy,  
299 that he is a person with a disability, illness, or pregnancy; or
- 300           7. In the case of a person who is confined awaiting trial or for having been convicted of a  
301 misdemeanor, the name of the institution of confinement; or
- 302           8. In the case of a person who will be absent on election day for business reasons, the name of his  
303 employer or business; or
- 304           9. In the case of a person who will be absent on election day for personal business or vacation  
305 reasons, the name of the county or city in Virginia or the state or country to which he is traveling; or
- 306           10. In the case of a person who is unable to go to the polls on the day of election because he is  
307 primarily and personally responsible for the care of an ill or disabled family member who is confined at  
308 home, his relationship to the family member; or
- 309           11. In the case of a person who is unable to go to the polls on the day of election because of an  
310 obligation occasioned by his religion, that he has an obligation occasioned by his religion; or
- 311           12. In the case of a person who, in the regular and orderly course of his business, profession, or  
312 occupation, will be at his place of work and commuting to and from his home to his place of work for 11  
313 or more hours of the ~~13~~ 14 hours that the polls are open pursuant to § 24.2-603, the name of his business  
314 or employer and hours he will be at the workplace and commuting on election day; or
- 315           13. In the case of a law-enforcement officer, as defined in § 18.2-51.1; firefighter, as defined in §  
316 65.2-102; volunteer firefighter, as defined in § 27-42; search and rescue personnel, as defined in § 18.2-  
317 51.1; or emergency medical services personnel, as defined in § 32.1-111.1, that he is a first responder; or

318 14. In the case of a person who has been designated by a political party, independent candidate, or  
319 candidate in a primary election to be a representative of the party or candidate inside a polling place on  
320 the day of the election pursuant to subsection C of § 24.2-604 and § 24.2-639, the fact that he is so  
321 designated; or

322 15. In the case of a person who has been granted a protective order issued by or under the authority  
323 of any court of competent jurisdiction, the name of the county or city in Virginia or the state of the issuing  
324 court.

**325** D. An application shall not be required for any registered voter appearing in person to cast an  
**326** absentee ballot during the period beginning on the second Saturday immediately preceding the election in  
**327** which he is offering to vote.

328     2. That the provisions of this act shall become effective on July 1, 2021.

329 #